

ADDENDUM
DANIA BEACH CITY COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 8, 2011 – 7:00 P.M.

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE WITH REGARD TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

LOBBYIST REGISTRATION REQUIRED. REGISTRATION AS A LOBBYIST IN THE CITY OF DANIA BEACH IS REQUIRED IF ANY PERSON, FIRM OR CORPORATION IS BEING PAID TO LOBBY THE COMMISSION ON ANY PETITION OR ISSUE PURSUANT TO ORDINANCE # 01-93. REGISTRATION FORMS ARE AVAILABLE IN THE CITY CLERK'S OFFICE IN THE ADMINISTRATION CENTER.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE, 100 W. DANIA BEACH BOULEVARD, DANIA BEACH, FL 33004, (954) 924-6800 EXTENSION 3624, AT LEAST 48 HOURS PRIOR TO THE MEETING.

IN CONSIDERATION OF OTHERS, WE ASK THAT YOU:

- A. PLEASE TURN CELL PHONES OFF, OR PLACE ON VIBRATE. IF YOU MUST MAKE A CALL, PLEASE STEP OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.
 - B. IF YOU MUST SPEAK TO SOMEONE IN THE AUDIENCE, PLEASE SPEAK SOFTLY OR GO OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.
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7. CONSENT AGENDA

7.8 RESOLUTION #2011-014

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT WITH DOWNTOWN DANIA BEACH DEVELOPMENT, LLC; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.9 RESOLUTION #2011-015

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH FLORIDA, AUTHORIZING THE ACCEPTANCE OF A DEDICATION OF CERTAIN REAL PROPERTY FOR RIGHT OF WAY PURPOSES FROM DOWNTOWN DANIA BEACH DEVELOPMENT, LLC; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO TAKE ALL ACTION NECESSARY TO COMPLETE THE DEDICATION AND ACCEPTANCE OF SUCH REAL PROPERTY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION NO. 2011-014

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT WITH DOWNTOWN DANIA BEACH DEVELOPMENT, LLC; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 29, 2009, Downtown Dania Beach Development, LLC (“Downtown”), the City of Dania Beach, Florida (the “City”), and the Dania Beach Community Redevelopment Agency (the “CRA”), entered into that certain Development Agreement (“Development Agreement”) for development of the City Center Project (the “Project”); and

WHEREAS, the parties now find it necessary to amend the Development Agreement to change certain terms, and have negotiated a First Amendment to Development Agreement, a copy of which is attached as Exhibit “A” (the “First Amendment”); and

WHEREAS, the City Commission finds that approval of the First Amendment is in its best interest.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. The First Amendment to Development Agreement for the development of the Project between the City, the CRA and Downtown together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is approved.

Section 3. The City Manager is authorized to execute the First Amendment on behalf of the City and to execute any required agreements or documents, to implement the terms and conditions of the First Amendment and to execute any extensions or amendments to the Development Agreement, subject to the approvals as to form and legality by the City Attorney.

Section 4. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on February 8, 2011.

ATTEST:

LOUISE STILSON, CMC
CITY CLERK

C. K. MCELYEA
MAYOR-COMMISSIONER

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO
CITY ATTORNEY

EXHIBIT "A"

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (this "Amendment") dated as of _____, 2011, is entered into by and among the **DANIA BEACH COMMUNITY REDEVELOPMENT AGENCY**, a public body corporate and politic created pursuant to Part III of Chapter 163, Florida Statutes, having an address at 100 West Dania Beach Boulevard, Dania Beach, Florida 33004 (the "CRA"), the **CITY OF DANIA BEACH, FLORIDA**, a Florida municipal corporation, having an address at 100 West Dania Beach Boulevard, Dania Beach, Florida 33004 (the "City"), and **DOWNTOWN DANIA BEACH DEVELOPMENT, LLC**, a Florida limited liability company, having an address at 3001 W. Hallandale Beach Boulevard, Hallandale Beach, Florida 33009 ("Developer").

R E C I T A L S

1. The CRA, the City and the Developer entered into that certain Development Agreement dated as of November 29, 2009.

2. The CRA, the City and the Developer have agreed to modify certain provisions of the Development Agreement, on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants described above and the agreements contained below, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. The above recitals are true and correct and are incorporated herein as if set forth in full.

2. All defined terms in this Amendment shall have the same meaning as in the Development Agreement, except as otherwise noted.

3. Section 1.9 of the Development Agreement is hereby deleted in its entirety and the following is hereby inserted in its place and stead:

"1.9 Entry Roadway. Developer has acquired the real property described on Exhibit "8" attached to this Agreement (the "Entry Roadway Property") and agrees to convey the Entry Roadway Property to the City free and clear of all liens and encumbrances pursuant to a right of way deed acceptable to the City in its sole discretion. The design and construction of the roadway entrance feature described in the attached Exhibit "9" entry roadway plans (the "Entry Roadway Plans") shall be completed by the Developer at the sole cost and expense of the CRA, subject to receipt of funding for completion of same by the CRA from Broward County, Florida (the "County"). The cost for the completion of such Work shall not exceed the amount received in funding from the County for this purpose, and all Work for the Entry Roadway shall be completed within twelve (12) months of receipt of such funding. Should the CRA not receive the necessary funds for completion of the Entry Roadway Property from the County, then the

design and construction by the Developer of the roadway entrance feature as described in the Entry Roadway Plans shall be at the sole cost and expense of Developer and shall be completed by January 1, 2015.”

4. Exhibit “8” of the Development Agreement, Entry Roadway Property, is hereby deleted and replaced with the attached Exhibit “8”.

5. Section 1.10 of the Development Agreement is hereby deleted in its entirety; provided, however, that should the CRA not receive the necessary funds for completion of the Entry Roadway Property from Broward County, Florida, then Section 1.10 shall be reincorporated into the Development Agreement.

6. Except as amended and modified by this Amendment, all of the terms, covenants, conditions, and agreements of the Development Agreement shall remain in full force and effect. In the event of any conflict between the provisions of the Development Agreement and the provisions of this Amendment, this Amendment shall control.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, this Amendment is executed as of the date first above set forth:

DEVELOPER

**DOWNTOWN DANIA BEACH DEVELOPMENT LLC,
a Florida limited liability company**

By: _____

Name: _____

Title: _____

Dated: February _____, 2011

CITY:

**CITY OF DANIA BEACH,
a Florida municipal corporation**

By: _____

Robert Baldwin, City Manager

Dated: February _____, 2011

ATTEST:

By: _____

Louise Stilson, CMC, City Clerk

Approved as to form and legal sufficiency:

By: _____

Tom Ansbro, City Attorney

CRA:

DANIA BEACH COMMUNITY REDEVELOPMENT AGENCY

By: _____
C.K. "Mac" McElyea, Chairman

Dated: February _____, 2011

ATTEST:

By: _____
Louise Stilson, CRA Secretary

WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.L.

By: _____
CRA Attorney

EXHIBIT “8”

ENTRY ROADWAY PROPERTY

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 6290-09

CLIENT :
GREENHILL DEVELOPMENT
COMPANY

LAND DESCRIPTION AND SKETCH

LAND DESCRIPTION:

ALL OF LOT 10 AND A PORTION OF LOTS 9, 11 AND 12, BLOCK 22 OF "MAP OF THE TOWN OF MODELO", NOW DANIA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B AT PAGE 49, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 10;

THENCE NORTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID LOTS 9 AND 10, A DISTANCE OF 202.00 FEET;

THENCE SOUTH 00°01'00" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTH FEDERAL HIGHWAY, A DISTANCE OF 60.00 FEET;

THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 202.00 FEET;

THENCE NORTH 00°01'00" WEST ALONG THE WEST LINE OF SAID LOTS 10 AND 11, AND ALONG THE EAST RIGHT OF WAY LINE OF (COPENHAGEN AVENUE) S.W. FIRST AVENUE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF DANIA BEACH, BROWARD COUNTY, FLORIDA; CONTAINING 12,120 SQUARE FEET, (0.2782 ACRE) MORE OR LESS.

LEGEND:

| | | | |
|--------|------------------------|---|---------------|
| CKD | CHECKED BY | R | RADIUS |
| DWN | DRAWN BY | A | ARC DISTANCE |
| FB/PG | FIELD BOOK AND PAGE | Δ | CENTRAL ANGLE |
| POB | POINT OF BEGINNING | | |
| POC | POINT OF COMMENCEMENT | | |
| P.B. | PLAT BOOK | | |
| B.C.R. | BROWARD COUNTY RECORDS | | |
| D.C.R. | DADE COUNTY RECORDS | | |

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. BEARINGS SHOWN HEREON ARE ASSUMED. THE NORTH LINE OF BLOCK 22, "MAP OF TOWN OF MODELO", P.B. B, PG. 21, D.C.R. BEARS EAST.

I HEREBY CERTIFY THAT THE ATTACHED "LAND DESCRIPTION AND SKETCH" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION IN FEBRUARY, 2011. I FURTHER CERTIFY THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER SJ-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY:

Richard E. Cousins

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

| REVISIONS | DATE | FB/PG | DWN | CKD |
|---------------------------|----------|-------|-----|-----|
| LAND DESCRIPTION & SKETCH | 02/04/11 | ---- | AV | REC |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

LAND DESCRIPTION
& SKETCH

PROPERTY ADDRESS :
DANIA BEACH CITY CENTER

SCALE: N/A

SHEET 1 OF 2

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 6290-09

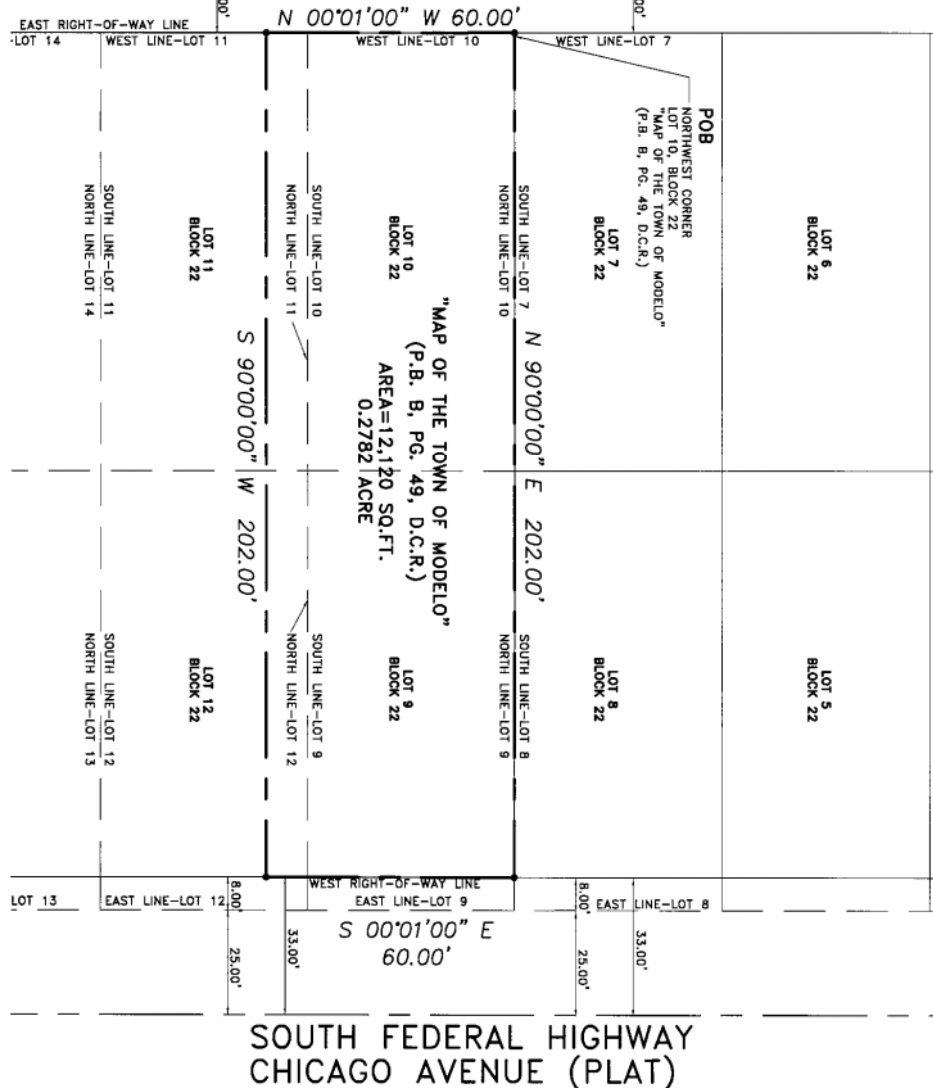
CLIENT :
GREENHILL DEVELOPMENT
COMPANY

LAND DESCRIPTION AND SKETCH



COPENHAGEN AVENUE (PLAT)

S.W. FIRST AVENUE



| REVISIONS | DATE | FB/PG | DWN | CKD |
|---------------------------|----------|-------|-----|-----|
| LAND DESCRIPTION & SKETCH | 02/04/11 | ---- | AV | REC |
| | | | | |
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| | | | | |

LAND DESCRIPTION
& SKETCH

PROPERTY ADDRESS :
DANIA BEACH CITY CENTER

SCALE: 1"= 30'

SHEET 2 OF 2

RESOLUTION NO. 2011-015

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH FLORIDA, AUTHORIZING THE ACCEPTANCE OF A DEDICATION OF CERTAIN REAL PROPERTY FOR RIGHT OF WAY PURPOSES FROM DOWNTOWN DANIA BEACH DEVELOPMENT, LLC; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO TAKE ALL ACTION NECESSARY TO COMPLETE THE DEDICATION AND ACCEPTANCE OF SUCH REAL PROPERTY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 29, 2009, Downtown Dania Beach Development, LLC (“Downtown”), the City of Dania Beach, Florida (the “City”), and the Dania Beach Community Redevelopment Agency (the “CRA”), entered into that certain Development Agreement (“Development Agreement”) for development of the City Center Project (the “Project”); and

WHEREAS, Section 1.9 of the Development Agreement contemplates the transfer of certain property for right of way roadway purposes from the Developer to the City; and

WHEREAS, the Developer is the owner of fee simple title to that certain real property as more particularly described in the Right of Way Deed attached hereto as Exhibit “A” (the “Property”); and

WHEREAS, the Developer desires to dedicate the Property to the City for public roadway purposes; and

WHEREAS, the City desires to accept the Property from the Developer pursuant to the Right of Way Deed in substantially the form as attached hereto as Exhibit “A” (the “Right of Way Deed”).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. The City Council hereby accepts the dedication from the Developer to the City of the Property pursuant to the Right of Way Deed in substantially the form as attached hereto as Exhibit “A”, subject to review and approval of the City Attorney in his sole discretion.

Section 3. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 4. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on February 8, 2011.

ATTEST:

LOUISE STILSON, CMC
CITY CLERK

C.K. "MAC" MCELYEA
MAYOR-COMMISSIONER

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO
CITY ATTORNEY

EXHIBIT "A"

**This instrument Prepared by
and after recording return to:**

**Dale S. Bergman
Arnstein & Lehr LLP
200 E. Las Olas Boulevard
Suite 1700
Ft. Lauderdale, Florida 33301**

Grantee's Tax Payer's Identification No. _____

**RIGHT OF WAY DEED TO CITY OF DANIA BEACH, FLORIDA
CONVEYS THE TITLE FOR PUBLIC ROADWAY PURPOSES**

THIS INDENTURE, made this ____ day of February, 2011, by and between DOWNTOWN DANIA BEACH DEVELOPMENT, LLC, a Florida limited liability company, having its principal address at 3001 W. Hallandale Beach Blvd., Suite 300, Pembroke Park, Florida 33309 in said State, party of the first part, and the CITY OF DANIA BEACH, FLORIDA, a Florida municipal corporation, 100 West Dania Beach Boulevard, Dania Beach, Florida 33004, of the County of Broward, in the State of Florida, party of the second part.

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the sum of One Dollar to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant, bargain and sell to the party of the second part, and its successors in interest, for the purpose of a public roadway and purposes incidental thereto, the following described land, situate, lying and being in the County of Broward, State of Florida, to-wit:

See **Exhibit "A"** attached hereto and by this reference made a part hereof.

It is the intention of the party of the first part by this instrument to convey to the said party of the second part, and its successors in interest, the land above described for use as a public roadway and for all purposes incidental thereto.

It is expressly provided that if and when said roadway shall be lawfully and permanently discontinued, the title to the said above described land shall immediately revert to the party of the first part, its successors and assigns, and it or they shall have the right to immediately re-possess the same.

And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part, has executed this instrument the day and year first above written.

Signed, Sealed, Attested
And delivered in our presence:

Witnesses

Print Name:_____

**DOWNTOWN DANIA BEACH
DEVELOPMENT LLC,**
a Florida limited liability company

Print Name:_____

By:_____
Name:_____
Title:_____

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this ____ day of February, 2011
by _____ as _____, of Downtown Dania Beach Development, LLC,
on behalf of such limited liability company. He is personally known ____ or has produced
_____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA
Print Name:_____
Commission No.:_____
Commission Expires:_____

EXHIBIT "A"

LAND DESCRIPTION

ALL OF LOT 10 AND A PORTION OF LOTS 9, 11 AND 12, BLOCK 22 OF "MAP OF THE TOWN OF MODELO", NOW DANIA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B AT PAGE 49, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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